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**VIA CM/ECF FILING &
HAND DELIVERY**

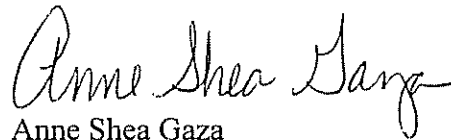
The Honorable Joseph J. Farnan, Jr.
United States District Court for
the District of Delaware
Federal Building
844 King Street
Wilmington, Delaware 19801

**RE: Epic Systems Corporation v. Resource Scheduling Corporation,
C.A. No.: 06-255-JJF**

Dear Judge Farnan:

Enclosed for Your Honor's consideration is the parties' agreed-upon proposed scheduling order in the above-captioned matter. As always, if Your Honor has any questions regarding the proposed form of order or any other aspect of this matter, counsel remain available at the Court's convenience.

Respectfully,



Anne Shea Gaza

ASG:csi
Enclosure

cc: Clerk of the Court (w/encl.) (By Hand Delivery)
Karen V. Sullivan, Esquire (w/encl.) (By Electronic Mail)
Ed Casto, Esquire (w/encl.) (By Electronic Mail)
Anthony A. Thomaselli, Esquire (w/encl.) (By Electronic Mail)

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

EPIC SYSTEMS CORPORATION,

Plaintiff,

v.

Case No. 06-255-JJF

RESOURCE SCHEDULING CORPORATION,

Defendant.

RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by January 26, 2007, the information required by Fed. R. Civ. P. 26(a)(1) (A) and (C) and D. Del. LR 16.2

2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before March 30, 2007.

3. **Discovery.**

(a) Exchange and completion of contention interrogatories, identification of fact witnesses and document production shall be commenced so as to be completed by April 27, 2007, unless otherwise agreed to in writing by the parties or ordered by the Court.

(b) Maximum of twenty-five (25) interrogatories, including contention interrogatories, for each side.

(c) Maximum of one hundred (100) requests for admission by each side.

(d) Maximum of ten (10) depositions by plaintiff(s) and ten (10) by defendant(s), excluding expert depositions.

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the party that bears the burden of proof within thirty (30) days of the Court's Markman decision; rebuttal reports are due thirty (30) days after initial reports are served. The parties shall not supply reply reports.

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties or ordered by the Court.

4 Discovery Disputes.

(a) Any non-case dispositive motion, along with an Opening Brief, shall be filed with a Notice of Motion

(b) The Notice of Motion shall indicate the date the movant seeks to have the motion heard. The date selected shall be within thirty (30) days of the filing of the motion and allow for briefing in accordance with the Federal and Local Rules. The Court has scheduled the following Motion Days:

February 2, 2007, at 10:00 a.m.
March 2, 2007, at 10:00 a.m.
April 13, 2007, at 10:00 a.m.
May 4, 2007, at 10:00 a.m.
June 1, 2007, at 10:00 a.m.
July 13, 2007, at 10:00 a.m.

(c) Upon filing of the Notice of Motion, a copy of said Notice should be sent to Chambers at: jjf_civil@ded.uscourts.gov.

(d) At the motion hearing, each side is allocated twenty (20) minutes to argue and respond to questions from the Court.

5 Amendment of the Pleadings. All motions to amend the pleadings shall be filed on or before May 30, 2007.

6. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before November 30, 2007. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court. The Court will issue a separate Order regarding procedures for filing summary judgment motions.

7. **Markman.** A Markman Hearing will be held on September 30, 2007. The parties shall file their opening briefs on claim construction by August 15, 2007. The parties shall file their response briefs on claim construction by September 15, 2007. The parties shall not file reply briefs. The Court, after reviewing the briefing, will allocate time to the parties for the hearing.

8. **Applications by Motion**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

9. **Pretrial Conference and Trial.** After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.

10. **Start of Discovery and Service.** The parties agree that upon filing of this document with the Court, the parties may seek discovery from each other and serve written discovery. The parties also agree that service in this matter may be accomplished by e-mail transmissions with PDF attachments followed by service via U.S. mail and service shall be complete on transmission of the e-mail containing the PDF attachment.

DATE

UNITED STATES DISTRICT JUDGE